

**Before the State of South Carolina
Department of Insurance**

In the matter of:

James D. Mathews,

26 Polo Ridge Circle
Columbia, South Carolina 29223.

File Number 2000-105032

**Default Order Revoking
Resident Insurance Agent's License**

This matter comes before me pursuant to a Letter of Allegation and Notice of Opportunity for Public Hearing served, as required within S.C. Code Ann. § 38-3-170 (Supp. 2002), by the State of South Carolina Department of Insurance upon James D. Mathews by both certified mail, return receipt requested, and by regular mail on June 4, 2003.

That letter informed James D. Mathews of his right to request a public hearing upon the allegations of impropriety contained within the letter against him. The letter further warned that his failure to make a timely, written request would result in my summary revocation of his license to do business as a resident insurance producer within the State of South Carolina. **Despite that warning, James D. Mathews has failed to respond to the Department's letter. James D. Mathews has failed to provide the Department with a current address in violation of S.C. Code Ann. § 38-43-107 (2002), and the United States Postal Service returned as undeliverable the letters sent by the Department.** On October 3, 2003, therefore, counsel for the Department filed an Affidavit of Default, and submitted the entire matter directly to me for my summary decision based solely on the record.

The letter alleged, and I now find as fact, that while licensed to do business as a resident insurance producer within the State of South Carolina for Ranger Insurance Company, James D. Mathews failed to turnover or satisfactorily account for \$223,800.00 in insurance premiums collected from citizens of this State.

Section 38-43-130 of the South Carolina Code provides the Director or his designee "may revoke or suspend a producer's license after ten day's notice...when it appears that a producer...has violated this title or any regulation promulgated by the department, or has willfully deceived or dealt unjustly with the citizens of this State." This Code Section goes on in Subsection (4) to describe "deceived or dealt unjustly with the citizens of this state" specifically to include, "improperly withholding, misappropriating, or converting any monies or properties received in the course of doing insurance business."

In accordance with my findings of fact, and considering James D. Mathews' failure to avail himself of his opportunity to be heard, I now conclude, as a matter of law, that James D. Mathews violated S.C. Code Ann. § 38-43-130 (Supp. 2002) and that his resident insurance producer's license should be revoked.

This administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's, *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2002). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110(3)(2002), of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is, therefore, ordered that the license of James D. Mathews to do business as a resident insurance producer within the State of South Carolina be, and is hereby, revoked, and that no license issued through the State of South Carolina Department of Insurance is to be issued to him.

It is further ordered that a copy of this order shall be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which James D. Mathews is currently licensed, through the State of South Carolina Department of Insurance, as a resident insurance producer within the State of South Carolina.

This order becomes effective as of the date of my signature below.

A handwritten signature in black ink, appearing to read "E.N. Csiszar", with a long horizontal flourish extending to the right.

Ernst N. Csiszar
Director

03 October 2003 at
Columbia, South Carolina

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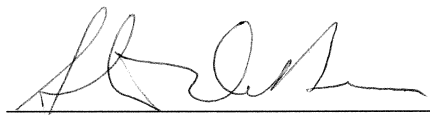
Affidavit of Default

Personally appeared before me John O'Neal, who, being duly sworn, stated that at all times relevant to this Affidavit of Default he was the attorney representing the State of South Carolina Department of Insurance (the Department) in this administrative action. He further stated the following:

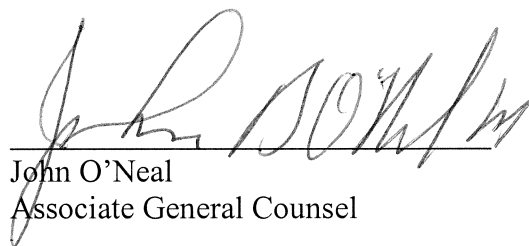
The Department served notice on James D. Mathews at the address detailed above by a Letter of Allegation and Notice of Opportunity for a Public Hearing that the Department would request the Director of Insurance to summarily revoke his license to act as a resident insurance producer within the State of South Carolina in ten days. The Department served that notice, pursuant to S.C. Code Ann. § 38-3-170 (Supp. 2002), by "depositing it in the United States mail, postage prepaid, addressed to the last known address of the person and registered with the return receipt requested." That letter further notified James D. Mathews of his opportunity, within ten days, to request in writing a public hearing.

The Department mailed the notice concerning the right to a hearing by certified mail, return receipt requested, and by regular mail, on or about June 4, 2003. The United States Postal Service notified James D. Mathews of the certified letter on June 5, 2003 and June 6, 2003. See "Exhibit A" attached. The United States Post Office at Columbia, South Carolina then returned the certified letter to the Department, having marked it as "Refused." The Notice sent via regular mail was also returned marked "Attempted Not Known." The time in which to request a public hearing has expired. He is now in default.

Sworn to and subscribed before me
this 3 day of October, 2003.



Steven R. DuBois
Notary Public for the State of South Carolina
My Commission Expires: May 10, 2009


John O'Neal
Associate General Counsel

South Carolina Department of Insurance
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